

REMARKS/ARGUMENTS

Claims 1-15 are pending.

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

The drawings were objected to for a couple of minor issues. Accordingly, applicant submits herewith amended Figures 1, 3, 4 and 5B. It is respectfully submitted that these amendments to the figures obviate the Examiner's objection and therefore, it is respectfully requested that the objection be withdrawn. It is also respectfully submitted that no new matter has been added.

Claim 13 is objected to because of informalities. Claim 13 has been amended to overcome the objection.

Applicant has also amended claims 1, 6, 7, 10 and 11 to more clearly define the present invention.

Claim 1 as amended clearly distinguishes between the stage of providing a license to a user (the license comprising one part of the content file) and the stage where the content file is played (in order to enable playback of the content file this part should be combined with the rest of the content file).

Applicant has added new claim 15. Support for claim 15 is found in claim 7 as originally filed.

Claims 6, 10 and 11 stand rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

Applicant respectfully submits that claims 6, 10 and 11 are fully and clearly described in the specification as originally filed. For example, at least paragraphs 25 and 26 describe the encryption process and the creation of the header file, which does not include the license, but rather information enabling the license to be retrieved. Furthermore, at least paragraphs 31-34 describe the retrieval process. The inspection of the license occurs after the

license is retrieved. The removal of the header from the content file occurs during playback, after the license has been retrieved and verified. Accordingly, it is respectfully requested that the rejection be withdrawn.

Claims 1-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Auerbach (US 5,673,316).

Auerbach describes a method and apparatus for creating, distributing, selling and controlling access to digital documents using secure cryptographic envelopes.

The applicant respectfully submits that the license of the present invention includes a portion of the content file. In order to enable playback of the content file, this portion must be combined with the rest of the content file in order to enable playback of the file. Auerbach does not disclose or even suggest including a portion of the content file within the license, as recited in claims 1, 7, 10 and 11.

In his rejection, the Examiner compares the cryptographic envelope of the prior art to the license of the present invention (e.g. on page 7 line 9). Applicant respectfully submits that the license of the present invention is not comparable to the cryptographic envelope of the prior art. As recited in claim 1, the license and content file of the present invention are separate entities, while the cryptographic envelope of the prior art includes the content file along with the license.

Applicant notes that the advantages of the present invention over the prior art are described in paragraph 26. Additionally, the present invention provides for separate distribution of the content file and the license, which provides for improved security of the content compared to the prior art. This is clearly seen in Fig. 3, where a separate content server and a separate license data generator are shown.

Applicant respectfully submits that claims 1, 7, 10 and 11 are therefore allowable for at least the reasons discussed above. Claims 2-6 depend directly or ultimately from claim 1 and are therefore allowable for at least the reasons claim 1 is allowable. Claims 8-9 and 15 depend from claim 7 and are therefore allowable for at least the reasons claim 7 is allowable. Claims 12-14 depend from claim 11 and are therefore allowable for at least the reasons claim 11 is allowable.

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PATENT

Applicant reserves the right to pursue the claims as originally filed in the context of a continuation application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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